

U.S. District Court  
Middle District of North Carolina

Civil Case Opening Manual  
ATTORNEYS

## General Overview

New Case filings by attorneys in civil actions shall be performed electronically using ECF. After successfully logging into the system, follow these procedures for opening a civil case. Once the case is created, you will docket your initial pleading and include the Civil Cover Sheet in PDF format as a separate docket entry.

The basic steps to file a new case are as follows:

- 1.) Select the type of document to file - **Civil Case** (See Attorney Event Menu);
- 2.) Enter the Civil Cover Sheet (JS-44) information, ex. jurisdiction;
- 3.) Add/Create the parties in the case;
- 4.) You will be invited to docket the “Lead Event” at the end of case opening (during this event you will enter filing fee information in Pay.gov, a credit card payment program.) Please do not convert your Complaint to **PDF** until you have added the case number ( ex. 1:06 CV 345) that you receive at the end of case opening. Add the case number to the complaint in the appropriate area and then convert to **PDF**. [Your **Civil Cover Sheet** should be your **second** docket entry;] **NOTE:** If you are filing a **Petition for Removal** please make **each** of the state court documents a separate attachment to the Petition.
- 5.) Select the filer of the document;
- 6.) Create the attorney/party association;
- 7.) Select the party that the filing is against;
- 8.) Specify the PDF file name and location for the document to be filed;
- 9.) Specify attachments to the complaint;
- 10.) Modify the docket text as necessary;
- 11.) Submit the pleading to ECF;
- 12.) Receive the Notice of Electronic Filing;
- 13.) Docket **Civil Cover Sheet**; and
- 14.) Docket **Disclosure of Corporate Affiliations** form (located in our forms directory.)
- 15.) Counsel should complete the summons in **Adobe interactive format** (located in our forms directory at our website) and e-mail it to [newcases@ncmd.uscourts.gov](mailto:newcases@ncmd.uscourts.gov). The Clerk’s Office will sign, date and seal the summons(es) and will e-mail them to the attorney who initiated the action. Each summons should be printed for service. Attorney filers will receive an NEF that summons have issued.
- 16.) If you have any questions during the docketing of these procedures please call 1-800-659-2212 or 336-332-6030.

## Opening Civil Cases

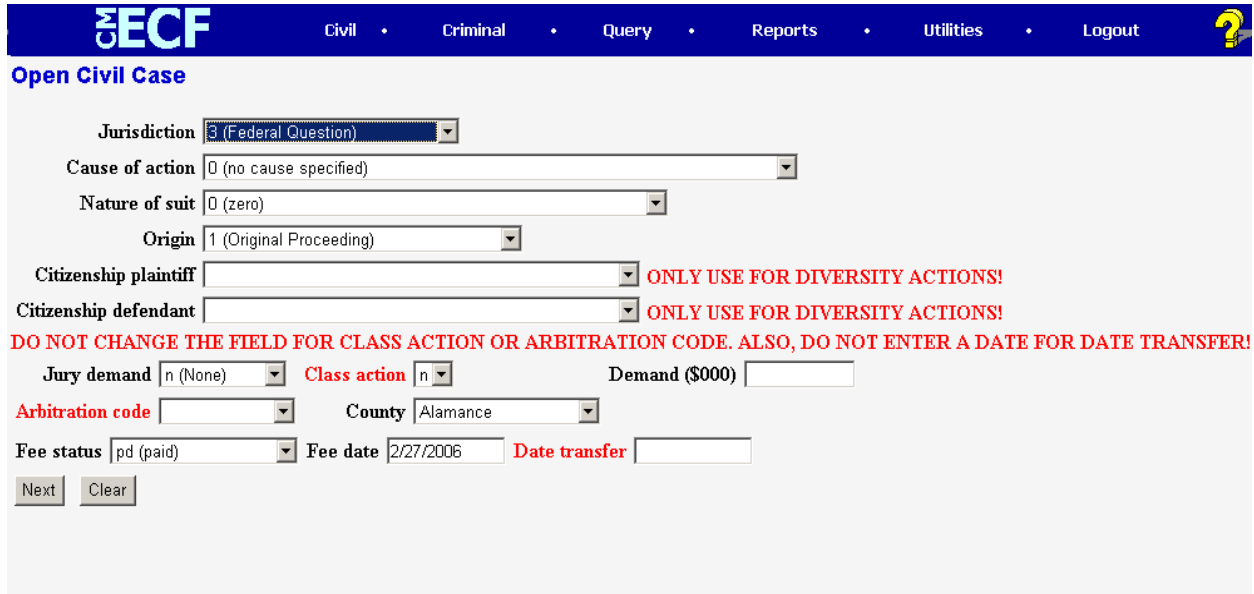
- Log into CM/ECF.
- Select “Civil” from the selection bar across the top of the opening page in CM/ECF.
- Select “Civil Case” directly below “Open a Case.” Selecting this will bring up the screen below. Please note, the case number will be issued automatically. Fill in the following information on this screen:

The screenshot shows the 'Open Civil Case' form in the CM/ECF system. At the top is a blue navigation bar with the 'ECF' logo and links for Civil, Criminal, Query, Reports, Utilities, and Logout, along with a help icon. The form title is 'Open Civil Case'. A red instruction reads: 'DO NOT CHANGE THE OFFICE OR CASE TYPE'. Below this, the 'Office' is set to 'Durham' and 'Case type' is set to 'cv'. The 'Case Number' field is empty. The 'Date filed' is '2/13/2006'. Another red instruction reads: 'LEAVE THE LEAD CASE NUMBER BLANK AND LEAVE THE ASSOCIATION TYPE AS Appeal'. Below this, the 'Lead case number' field is empty, and the 'Association type' is set to 'Appeal'. There are also empty fields for 'Other court name' and 'Other court number'. At the bottom are 'Next' and 'Clear' buttons.

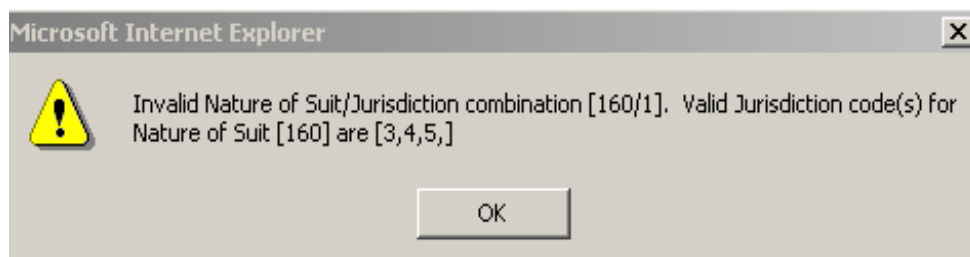
- |   |                     |   |
|---|---------------------|---|
| < | Office:             | Leave as Durham.  |
| < | Case type:          | Leave the case type as “cv” for civil case.   |
| < | Case Number:        | System automatically adds case number.  |
| < | Date filed:         | File date automatically entered by the system   |
| < | Lead case number:   | Case number entered by the Clerk’s Office.  |
| < | Association type:   | Do not enter the association type. You should always leave this as “appeal.”                                  |
| < | Other court name:   | Enter other court name, if the case is a Notice of Removal, Transfer, Bankruptcy Appeal case, or 2255 Motion. |
| < | Other court number: | Enter other court number, if the case is a Notice of  |

Removal, Transfer, Bankruptcy Appeal case, or 2255 Motion.

- The screen shown below prompts you to enter information from the pleadings. Note: You will enter information into CM/ECF that is listed on the Civil Cover Sheet.



Note: the system will verify the accuracy of combinations entered on the screen above. For example, if an invalid Nature of Suit and Jurisdiction combination is selected, the following screen will appear.



- < Jurisdiction: Enter the appropriate jurisdiction. (*Why is this case filed here?*)
- < Cause of action: Enter the appropriate cause of action. (*What is the case about?*) If the cause of action that you are looking for is not included in the list (See Appendix

A, contact the clerk's office.)

- < Nature of suit: Enter the appropriate nature of suit. (*What kind of case is it?*)
- < Origin: Enter the appropriate origin. (*How did it get here?*)
- < Citizenship of plaintiff: **Enter citizenship information of the plaintiff, only if the case is a diversity case.**
- < Citizenship of defendant: **Enter citizenship information of the defendant, only if the case is a diversity case.**
- < Jury demand: If a jury demand was requested in the pleadings filed, select the party type that demanded the jury trial.
- < Class action: If seeking a class action, a separate motion must be filed pursuant to Local Rule 23.1. Leave as "n."
- < Demand: Enter the number of thousands of dollars for the demand amount, if appropriate. If \$75,000 is the demand amount, enter 75 in the demand field. Do not enter dollar signs or commas.
- < Arbitration code: Leave the "Arbitration code" blank.
- < County: Enter the county of residence of the first-listed plaintiff in the Middle District of North Carolina. If a U.S. plaintiff case, enter the county of residence of the first-listed defendant.
- < Fee status:
  - fp (*in forma pauperis*) - to be used for any prisoner, Social Security, etc. *ifp* case
  - none (no fee required) - to be used for cases in which the United States is the plaintiff and §2255 motions
  - pd (paid) - to be used when the filing fee has been paid in full. **Please follow Pay.gov credit card instructions when docketing complaint.**
- < Fee date: The fee date entered by the system. This is the same date as the filing date.
- < Date transfer: Leave this blank.

- Next you will be prompted to search for a party, as shown on the screen below. Enter the party's last name in **CAPS** in the "Last/Business name" field and click on "Search."

- If the party's name is already in the database, it will appear under the search results as shown below. Scroll through the list, if necessary, to find an appropriate party for selection. To scroll through the list, either left-click the up/down arrows, or left-click and drag the button between the arrows.
- To select an existing party name, highlight the name by clicking on it, and click on “Select name from list.”

If the party search results pick list does not present an appropriate party for selection, left-click the “Create new party” button. Alternatively, if the person’s name is not already in the system, a message that states “No Person Found” will be displayed. Select the “Create new party” button and **add** the party in **CAPS**.

- The party information screen is shown below. This screen will have additional name fields at the top if you are creating a new party, rather than selecting a name already in the

database.

- < If the party is not in the database, you will need to **add** the party's name in **CAPS**. Refer to the Party Name Standards in Appendix B.

The screenshot shows the 'Party Information' form in the ECF system. The form is for 'AARON D. SMITH'. It contains various input fields for personal and contact information, as well as dropdown menus for 'Role' and 'Pro se'. The 'Start date' is set to 2/14/2006. At the bottom, there are buttons for 'Alias...', 'Corporate parent...', 'Review...', 'Submit', 'Cancel', and 'Clear'. A note indicates that all aliases and corporate parents should be added before clicking the Submit button.

- < Title: Leave this blank.
- < Role: Select the party's role from the drop-down list. **Note: The role defaults to Select Role Type (-:pty).**
- < Pro se: If this is a Notice of Removal, select whether the party is pro se (representing himself.) If the party is pro se please add the address information in CAPS.
- < Prisoner Id: Unless otherwise directed in this manual, always leave the prisoner ID field blank. Prisoner ID numbers are entered in the unit field
- < **Leave the contact information blank.**
- < Party text: Enter party text, if applicable. Note: Party text is descriptive information about the party, and will be found in the caption of the initiating document.
- Click on the "Alias..." button to enter an alias for the party, if applicable. Alias names are additional, relational names for a party. Refer to the Party Name Standards in Appendix B.
- Do not use the "Corporate parent..." button.
- When all items from the top line of buttons are complete ("Alias...", "Review..."), click on the "Submit" button.

- Search for the next party and repeat this process for each party involved. When all parties are entered into the system, select “End party selection.”

**NOTE:** CM/ECF automatically adds you as an attorney filer. If you are filing a complaint/notice of removal and other attorney(s) represent the plaintiff(s)/defendant(s), **each** attorney should electronically file a notice of appearance **after** the lead event has been docketed **except** the attorney who filed the complaint/notice of removal as the system will automatically add that attorney to the case. If you are filing a notice of removal, the Clerk's office will add all plaintiff attorneys of record.

- The case is opened in the system. The system will ask “Docket the lead event?” [Please do not convert your Complaint to **PDF** until you have added the case number that you receive at the end of case opening. Add the case number to the complaint and all other original pleadings filed and then convert to **PDF**.] Answer yes to the question and docket the complaint. **NOTE:** If you are filing a **Petition for Removal** please make **each** of the state court documents a separate attachment to the Petition.

- < Your **Civil Cover Sheet** should be your **second** docket entry. This should be followed by the docketing of the **Disclosure of Corporate Affiliations** form as required by Rule 7.1 of the F.R.Cv. P. (A pdf. interactive version of this form can be found in our forms directory.)
- < As a general rule, if there are additional documents and they are separately captioned, they should be docketed as separate events.
- < **Counsel should complete the summons in Adobe interactive format** (located in our forms directory at our website) and e-mail it to [newcases@ncmd.uscourts.gov](mailto:newcases@ncmd.uscourts.gov). The Clerk's Office will sign, date and seal the summons(es) and will e-mail them to the

attorney who initiated the action. Each summons should be printed for service. Attorney filers will receive an NEF that summons have issued.

- < NOTE: If a case cannot be filed electronically due to technical difficulties, please contact the Clerk's Office at 336-332-6030. Problems with the online credit card program (Pay.gov) can be addressed by calling Pay.gov at 1-800-624-1373. If you are unable to docket the complaint or notice of removal after two attempts in one hour increments after 10:00 a.m. that day, you may e-mail the complaint in PDF format to [newcases@ncmd.uscourts.gov](mailto:newcases@ncmd.uscourts.gov). **Please contact the Clerk's Office at 336-332-6030 after doing so.** Filing Users are cautioned that, in some circumstances, the Court lacks the authority to grant an extension of time to file (e.g., Rule 6(b) of the Federal Rules of Civil Procedure).